

BRIAN J. STRETCH (CABN 163973)
Acting United States Attorney

DAVID R. CALLAWAY (CABN 121782)
Chief, Criminal Division

BRIGID S. MARTIN (CABN 231705)
Assistant United States Attorney
1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3680
FAX: (510) 637-3724
Brigid.Martin@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 14-00603 KAW
)	
Plaintiff,)	
)	UNITED STATES' STIPULATED MOTION TO
v.)	RETRIEVE TRIAL EXHIBIT 2 AND ENTER
)	PHOTO OF EXHIBIT 1
LARRY SCOTT GITTINGS,)	
)	
Defendant.)	
)	
)	

During the jury trial in the captioned case, the government retained physical Trial Exhibit 1, the Mac Pro desktop computer at issue in this case, during jury deliberations, as agreed upon by the parties and ordered by the Court at the close of the case on February 25, 2016. Photos of the Mac Pro desktop computer were also entered as Trial Exhibits 1A and 1B. Furthermore, a Stipulation by the parties was read into the record and given to the jury in Trial Exhibit 1-S which describes the computer, including the serial number of the computer at issue. The government also hereby attaches a photograph showing Trial Exhibit 1 from a viewpoint that makes the Exhibit sticker and agent's evidence inventory sticker visible. The government requests, and the defense has no objection, to having the photograph attached

1 to this Stipulated Motion as Exhibit A, stand in lieu of the computer in Exhibit 1, which will remain in
2 the United States Department of Energy's possession.

3 Trial Exhibit 2, the shipping box that the computer was delivered in, was also entered as
4 evidence at trial and was sent back with the other evidence to be considered by the jury during its
5 deliberations. Trial Exhibit 2A contains a photograph of the box in Exhibit 2.
6

7 The government hereby requests to take back the box in Trial Exhibit 2. The Special Agents
8 from the Department of Energy have marked the box in their evidence inventory system and must
9 account for the box as an item of inventory that they checked out for trial. The box must be checked
10 back into their inventory system. The government requests that the photograph of the box in Trial
11 Exhibit 2A, as well as the photos of the computer in Exhibits 1A and 1B serve as stand-ins for the box
12 and computer in Trial Exhibits 1 and 2.
13

14 The government has communicated with defense counsel and defense counsel Mr. Manoukian
15 //

has reviewed this Stipulated Motion and has no objection to this motion.

DATED: February 29, 2016

Respectfully submitted,

BRIAN J. STRETCH
Acting United States Attorney

_____/s/_____
BRIGID S. MARTIN
Assistant United States Attorney

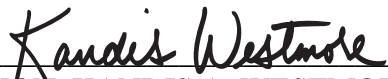
COLIN JONES
EMMALINE CAMPBELL
Law Clerks
United States Attorney's Office

_____/s/_____
DIRK MANOUKIAN
MATTHEW O'CONNOR
Counsel for Mr. Gittings

~~[PROPOSED]~~ ORDER

Based on the government's request and stipulation from the defense, **IT IS HEREBY ORDERED** that the government may retrieve the box in Trial Exhibit 2 as of the date of this order. **IT IS FURTHER ORDERED** that the photograph attached to the United States' Stipulated Motion at Exhibit A shall be retained by the Clerk of the Court in the folder for Trial Exhibit 1, in lieu of the actual Mac Pro Desktop computer in Exhibit 1. Additional photographs of the computer (Trial Exhibit 1) and box (Trial Exhibit 2), appear in Trial Exhibits 1A, 1B, and 2A, which have also been entered as evidence in the captioned trial.

DATED: 3/1/16



HON. KANDIS A. WESTMORE
United States Magistrate Judge

DOEOIG Livermore, CA



Seizing Agent:

Item#: 1

Seizing Date: 9/19/2014

Seizing Date: 14-0115-1

Case #:

Case #:

Case #:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. CR 14-00603 KAW

Trial Exhibit 1

Date Admitted 2/24/16

By: Susan Imbriani, Deputy Clerk

MacPro